

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>STEVEN K. BATTLE,</b>	)	<b>4:14CV3201</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
<b>NEBRASKA DEPARTMENT OF</b>	)	
<b>CORRECTIONS,</b>	)	
	)	
<b>Respondent.</b>	)	

This matter is before the court on its own motion. On January 14, 2015, the court ordered Petitioner to show cause why this matter should not be dismissed without prejudice because his claims have not been exhausted in Nebraska's state courts. (Filing No. 19 at CM/ECF p. 3.) The court warned Petitioner that failure to file a response within 30 days would result in dismissal of this matter without further notice to him. Petitioner has not responded and the time in which to do so has now passed.

IT IS THEREFORE ORDERED that: The Petition for Writ of Habeas Corpus (Filing No. 1) is dismissed without prejudice. The court will enter a separate judgment in accordance with this order. The clerk's office is directed to term the motion event at Filing Number 14, Petitioner's "Notice of Appeal." Petitioner may not *appeal* his criminal conviction in the federal district court. He must do so in Nebraska's appellate courts.

DATED this 2<sup>nd</sup> day of March, 2015.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge